

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 20-333

NOTICE OF HEARING TO CODIFY ORDINANCE 1321,
TO ESTABLISH STATUTORY AUTHORITY FOR THE
LEWIS COUNTY MANAGER

WHEREAS, notice is hereby given that a public hearing will be held by the Lewis County Board of County Commissioners (BOCC) in their hearing room at 351 NW North Street, Chehalis, Washington, on October 5, 2020, at or after 10:00 a.m.; and

WHEREAS, interested parties are encouraged to check the Commissioners' hearing schedule online as October 5, 2020, approaches for updated details; and

WHEREAS, public notice of said hearing is required by law; and

WHEREAS, on said date the BOCC will take public testimony or written comment on Ordinance 1321 establishing statutory authority for the County Manager.

NOW THEREFORE BE IT RESOLVED the purpose of the public hearing is to take public testimony or written comment concerning the establishment of statutory authority for the Lewis County Manager.

DONE IN OPEN SESSION this 21st day of September, 2020, that a hearing is hereby scheduled for October 5, 2020, to take public testimony or written comment concerning the establishment of statutory authority for the Lewis County Manager and that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as require by law

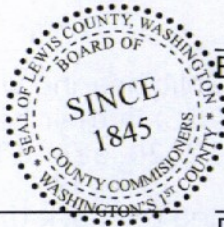
APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Amber Smith
By: Amber Smith,
Deputy Prosecuting Attorney

Gary Stamper
Gary Stamper, Chair

ATTEST:



Edna J. Fund
Edna J. Fund, Vice Chair

Rieva Lester
Rieva Lester,
Clerk of the Lewis County Board of County
Commissioners

Robert C. Jackson
Robert C. Jackson, Commissioner

**NOTICE OF PUBLIC HEARING BEFORE THE
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS
AND INTENT TO ADOPT**

NOTICE IS HEREBY GIVEN that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing on October 5, 2020, starting at or after 10:00 a.m. The public hearing will consider Ordinance 1321, which will establish statutory authority for the Lewis County Manager.

The public hearing will occur at the Lewis County Courthouse, Commissioners' Hearing Room, at 351 NW North Street, Chehalis, WA. At the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearings to:

POINT OF CONTACT, Rieva Lester at 360.740.1419 or rieva.lester@lewiscountywa.gov.

Details about the proposal is available at
https://packetwriter.lewiscountywa.gov/business_meeting_agenda/140/.

Hard copies are available at the Lewis County Commissioners' Office at 351 NW North Street, Chehalis WA.

The meeting site is barrier free. People needing special assistance or accommodations should contact the Commissioner's Office 72 hours in advance of the meeting at 360.740.1120.

ORDINANCE 1321

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

AN ORDINANCE ESTABLISHING STATUTORY AUTHORITY FOR) ORDINANCE NO. 1321
THE LEWIS COUNTY MANAGER)
)
)

WHEREAS, pursuant to RCW 36.16.070, the Board of County Commissioners (BOCC) may, in the exercise of its powers and performance of its functions and services, agree to delegate duties to deputies or other necessary employees; and

WHEREAS, the BOCC hired a County Manager in 2018 to delegate such authorities; and

WHEREAS, the ratification of these delegated authorities will ensure that long after individuals who currently hold these positions are gone, the BOCC and the Lewis County Manager will be provided legal assurance that they have clearly defined responsibilities, duties, and authority; and

WHEREAS, pursuant to Resolution **No. 20-XXX** a time for a public hearing on the proposed establishment of statutory authority for the Lewis County Manager was set and notice of the hearing was given by publication mailing and posting in the manner described in RCW 36.32.120(7); and

WHEREAS, the BOCC finds it is in the best public interest to delegate statutory authorities to the Lewis County Manager.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners has recognized it is in the best interest of Lewis County to adopt ordinance 1321 and the Clerk of the Board is hereby instructed to proceed with the codification process.

NOW, THEREFORE BE IT FURTHER RESOLVED, the BOCC does ordain as follows:

**TITLE 2
ADMINISTRATION AND PERSONNEL**

**2.45.010 STATUTORY AUTHORITY
2.45.020 THE COUNTY MANAGER**

2.45.010- STATUTORY AUTHORITY

Section 1. General Powers

Pursuant to RCW 36.12.010, each county shall establish a board of commissioners consisting of three qualified electors, and to constitute a quorum, no less than two commissioners must be present to conduct business.

Pursuant to RCW 36.32.120 and RCW 36.40.100, the Lewis County Board of County Commissioners has the authority to budget and appropriate funds for all county activities; authorize payments made to the county and audit all the officers having control of county monies; fix the tax levy for the county and its subordinate jurisdictions; manage, build, and maintain county buildings and necessary public buildings; manage build and

maintain county roads and highways; make and enforce civil and criminal resolutions and ordinances not in conflict with state law, including land use and construction; prosecute and defend all actions for and against the county; and support and implement state and federal mandates.

Section 2. Delegation of duties

Pursuant to RCW 36.16.070, the Board of County Commissioners may, in the exercise of its powers and performance of its functions and services, agree to delegate duties to deputies or other necessary employees.

Section 3. Authority and term

A County Manager appointed by the Board of County Commissioners shall be the responsibility of the Board of County Commissioners, may be revoked at the pleasure of the Board of County Commissioners, and may be authorized to perform any act under the authority of the Board of County Commissioners.

2.45.020 - THE COUNTY MANAGER

Section 1. County Manager

A. Appointment.

- I. Appointment or termination of a County Manager shall require a simple majority vote of the Board of County Commissioners.
- II. The County Manager shall be selected on the basis of his or her executive experience and professional administrative qualifications.
- III. No member of the Board of County Commissioners shall, during the time for which he or she was elected, be appointed County Manager.
- IV. The Board of County Commissioners shall establish the County Manager's terms of employment, including compensation, by written contract, provided the County Manager's employment shall be at-will and terminable in accordance with contract terms and this ordinance.
- V. Employment of a County Manager shall not be construed as changing the relationship of the Board of County Commissioners or other elected officials to their constituents, or the relationship of the Board of County Commissioners to other elected officials.
- VI. The Board of County Commissioners may designate a qualified administrative officer of the county to perform the duties of manager upon the termination of the services of a manager, pending the selection and appointment of a new manager; or during the absence, disability, or suspension of the manager.

B. Powers and Duties.

- I. The County Manager shall be the Board of County Commissioners' chief executive officer and shall have the power to:

- a. Supervise all administrative departments established or created under the Board of County Commissioners.
 - b. Execute and enforce all ordinances and state statutes not assigned to other elected officials.
 - c. Present to the commission any reports which he or she may deem necessary.
 - d. Annually prepare and present to the commission a budget and budget message setting forth proposals for the forthcoming fiscal years.
 - e. Determine the organizational structure of and assign duties to administrative departments that are not specifically assigned by this ordinance or otherwise in state law.
 - f. Sign or cause to be signed on behalf of the county all deeds, contracts and instruments not otherwise reserved to others by this ordinance or state law.
 - g. Conduct collective bargaining on behalf of the county, subject to state and federal law and budget direction provided by the commission and as allowed by state law.
 - h. The County Manager shall recommend, and approval of the Board of County Commissioners is required, for the Human Resources policies below:
 - i. Overall compensation policies including, but not limited to, base pay, incentive and premium compensation.
 - ii. Overall design of merit pay and step increase programs.
 - iii. Overall design of benefits and eligibility.
 - iv. Overall design of insurance benefit plans, including eligibility and employee contributions.
- II. The County Manager shall develop, implement and administer human resource policies for administrative departments and other offices subject to those policies. Board of County Commissioners' approval is not required for other human resource policies.
- a. Manage properties owned by the county.
 - b. Perform any other duty assigned by the Board of County Commissioners.

The specific statement of particular powers shall not be construed as limiting the powers of the County Manager.

Section 2. Appointments by the County Manager

- A. The County Manager shall appoint the chief officer of each administrative department under the Board of County Commissioners.
 - I. The County Manager shall appoint chief officers on the basis of their abilities, qualifications, integrity and experience concerning the duties of the position to which they are appointed.

- II. The County Manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the County Manager, or by the head of a department or office, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation. Subject to the provisions of this ordinance and any applicable civil service provisions, the decision of the manager or other appointing officer shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.
- III. Neither the commission, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the County Manager or any of his or her subordinates. Except for the purpose of inquiry, the commission and its members shall deal with the administrative service solely through the manager and neither the commission nor any committee or member thereof shall give orders to any subordinate of the County Manager, either publicly or privately. The provisions of this section do not prohibit the commission, while in open session, from fully and freely discussing with the County Manager anything pertaining to appointments and removals of county officers and employees and county affairs.
- IV. No time limitation shall be imposed on the term of employment for appointed chief officers of administrative departments.

Section 3. Administrative Departments

- A. The administrative departments shall consist of the departments and agencies established or created under the authority of the Board of County Commissioners.
- B. The chief officer of each administrative department shall appoint all officers and employees of his or her department. The chief officer shall comply with the county's human resources policies and procedures when appointing officers and employees to positions covered by human resources policies and procedures.

DONE IN OPEN SESSION this _____ day of _____, 2020.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

Gary Stamper, Chair

ATTEST:

Edna J. Fund, Vice Chair

Rieva Lester, Clerk of the Board

Robert C. Jackson, Commissioner

BOCC AGENDA ITEM SUMMARY

Resolution: 20-333

BOCC Meeting Date: Sept. 21, 2020

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of hearing to codify Ordinance 1321, to establish statutory authority for the Lewis County Manager

Contact: Lara McRea

Phone:

Department: BOCC - Board of County Commissioners

Description:

Notice of hearing for ordinance 1321 which would establish statutory authority for the Lewis County Manager

Approvals:

User	Status
PA's Office	Approved

Publication Requirements:

Publications:

The Chronicle; September 22, 29

Additional Copies:

Lara Mcrea, Erik Martin, Amber Smith

Cover Letter To: